

SEP 30 2004

Our Ref. No.: 015675.P381

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Joel Oiry, et al.

Serial No. 09/980,291

Filed: November 27, 2001

For: **NOVEL ANTIOXIDANTS,
PREPARATION PROCESSES AND
THEIR USES**

) Examiner: Saeed, Kamal A.

) Art Group: 1626

PETITION FOR WITHDRAWAL FROM ISSUE (RULE 1.313(b)(1) or (c)(2))

OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Commissioner:

Applicant hereby petitions to withdraw from issue the above identified-application. On December 8, 2003, Applicant filed a Rule 312 Amendment to place Claim 1 into the form in which it existed when allowed by the Examiner. On September 21, 2004, the Rule 312 Amendment was denied entry due to the presence of withdrawn claims. In a prior amendment filed August 11, 2003 responding to an Office Action dated May 3, 2003, due to a typographical error, Claim 1, although not amended, was presented in a different form than originally filed and allowed in the May 3, 2003 Office Action. In a RCE accompanying the Petition, Applicant is merely placing the claims into the condition they were in as allowed but correcting the typographical error which was presented in Claim 1.

As an alternative basis for this Petition, in accordance with Rule 1.313(b)(1), the application should be withdrawn from issue due to Office error. Applicant notes that although the Amendment filed August 11, 2003 contained a typographical error with respect to Claim 1, since no amendment was presented, and since Claim 1 was presented in the Amendment different from Claim 1, as filed, the Notice of Allowance mailed October 22, 2003 was in error since Claim 1,

presented as an original claim, did not conform to Claim 1, as filed. For this reason, the Office, instead of issuing a Notice of Allowance, should have issued a further Action refusing entry of the Amendment due to the incorrect presentation of Claim 1, and provided Applicant an opportunity to correct the error.

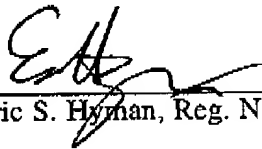
Please charge the Petition fee of \$130, and any additional amounts, to Deposit Account 02-2666. A duplicate of this Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: September 30, 2004

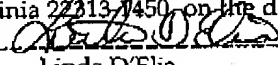
By: _____


Eric S. Hyman, Reg. No. 30,139

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to OFFICE OF PETITIONS, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.


Linda D'Elia

9/30/04
September 30, 2004